

IN the District Court of the United States
For the Middle District of ALABAMA
Northern Division

SAMUEL R. GARDNER, II, #107989,

Plaintiff, RECEIVED

CASE No.:

V.

2008 FEB 20 A 10:51

2:07-CV-1063-WKW

LEON FORNISS, ET AL.,

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Motion to Dismiss (with said Motion's predication)

Comes now SAMUEL R. GARDNER, plaintiff pro se in abovestyled cause, and respectfully moves for dismissal of this case for the following reasons:

Threshold Observation

At the outset, plaintiff respectfully tenders his gratitude to this Hon. Court for its patient and careful exposition of law and fact in this case, which thereby gives peace regarding an issue lingering in plaintiff's life for many years.

- (i.) For the reasons set forth in this Hon. Court's "Order On Motion" of Feb. 7, 2008 (Document #: 12-1) and its Order of Feb. 7, 2008 (Document #: 13-1): plaintiff hereby respectfully moves this Hon. Court for dismissal of this case.

Conclusionary Observation

With all due respect to all parties, plaintiff hopes that the "Alabama Department of Corrections - Legal Division" (which has lately requested service by plaintiff of copies of his submissions in this cause) consider drafting an "Annex" to an appropriate Department of Corrections Administrative Regulation assuring the on-site prison official(s) (usually called "Classification Department Social Service Worker, or Field Officer: under whatever nomenclature) that such would not be amiss to

grant minimal assistance to prisoners making facially non-frivolous good-faith requests, rather than current policy of directing the prisoner to "go to court" (see: Original Pleading, Exhibit A).

In the latter context, plaintiff hereby respectfully renews his Motion to Tax (cf. [Court] Document #: 9-1, last 2 lines, pg. 1) his filing fee and court costs against defendants, under these narrow circumstances, or to consider waiving same in this case: which plaintiff verily believed in good faith to be cognizable and justiciable. Such aforesaid minimal assistance on-site would have precluded burdening this Hon. Court.

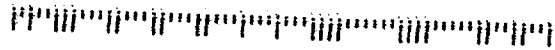
Premises considered, plaintiff respectfully moves for dismissal.

DONE, this 19th day of Feb. 2008, by: Samuel R. Gardner
 SAMUEL R. GARDNER, PRO SE #107969
 P.O. Box 56, Elmore, AL 36025-0056

Certificate of Service

I, SAMUEL R. GARDNER, certify I have served copy of the above, by placing same in prison mail box, properly addressed, postage prepaid to: Hon. Messrs. ALBERT S. BUTLER (BUTL1227) AND Kim T. Thomas, Esqs., ALABAMA ATTORNEY GENERAL'S OFFICE, 11 So. Union St., Montgomery, AL 36130-0152; AND "ALABAMA Department of Corrections, Legal Division" (sic: NO ATTORNEY'S NAME GIVEN ME), 301 So. Ripley St., P.O. Box 301501, Montgomery, AL 36130-1501: this 19th day of Feb., 2008.

Attest: Samuel R. Gardner
 SAMUEL R. GARDNER, PRO SE
 (ADDRESS ABOVE)



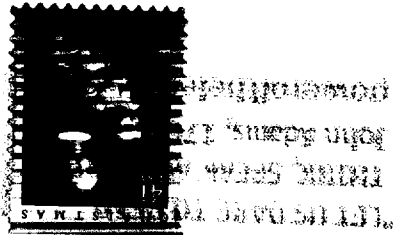
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cf: 2:07-cv-1063-WKW-SRW

Montgomery, AL 36101-0711

P.O. Box 711

Clerk of the Court
United States District Court



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MUEL K. GARDNER